

MEMORANDUM

August 5, 2005

FOR Charles, Battaglia, Staff Director, 2005 Defense Base Closure and Realignment Commission

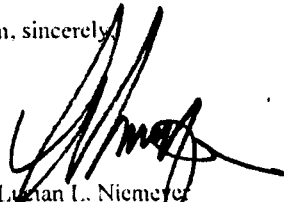
FROM Review Team, Subcommittee on Readiness and Management Support, Committee on Armed Services, United States Senate

RE: Review of 2005 Base Closure and Realignment Commission

Charlie:

As discussed, please find attached a statement of the scope for the subcommittee's review, which has been approved by Senator Ensign. Pursuant to Senator Ensign's letter to Chairman Principi on July 29, 2005, we look forward to receiving any information related to the matter from the Commission by August 10, 2005. Thank you.

On behalf of the BRAC Commission Review Team, sincerely,



Lucian L. Niemeyer
Professional Staff Member
Committee on Armed Services
United States Senate

One enclosure

Review of 2005 Defense Base Closure and Realignment (BRAC) Commission

PURPOSE AND SCOPE OF REVIEW

Recently, the Subcommittee on Readiness and Management Support has received information on the activities of the Defense Base Closure and Realignment (BRAC) Commission regarding their deliberations of July 19, 2005. That information has raised concerns regarding the extent and openness of information used by the BRAC Commission in deliberations of matters before the Commission.

As a result, Subcommittee Chairman Ensign has initiated a review of the Commission's activities in fulfillment of its oversight responsibilities as intended by Congress in accordance with section 2902 of the Defense Base Closure and Realignment Act of 1990, as amended. As part of this review, the Subcommittee is requesting access to all the proceedings, information, and deliberations of the Commission relating to any *ex parte* communications from May 2, 2005 to the present that were, in any way, related to the Commission's activities on July 19, 2005.

This review will assess the degree to which Department of Defense officials, who were personally and substantially involved in the preparation of information and recommendations concerning the closure or realignment of military installations, provided BRAC Commissioners or Commission staff *ex parte* information that has not been made part of the public record. Further review will assess whether such *ex parte* communications, if required to be certified, may have unduly or improperly influenced the Commission's deliberations of July 19, 2005.

QUESTIONS FOR THE COMMISSION THE REVIEW WILL ADDRESS

1. What are your criteria and processes to determine which information received from all sources is placed in the commission record?
2. What processes and practices have been established for a Commissioner or Commission staff to receive information from the Department of Defense regarding BRAC recommendations pending before the Commission?
3. Have all Commissioners and Commission staff made every attempt to ensure that information received by DoD officials was certified? Have all Commissioners and Commission staff strictly adhered to established procedures for receiving and handling certified information received by DoD officials?
4. Has any Commissioner or any Commission staff received *ex parte* information from DoD officials who were personally or substantially involved in the preparation of information and recommendations concerning the closure or realignment of military installations?
5. If yes to question 4, From whom? How often? In what form was this information transmitted (i.e. phone call, meeting, e-mail, letter, etc)? What was the content of the information and recommendations transmitted? Did the information or communications involve matters before the commission on July 19, 2005? To what extent did the information support or oppose DoD

BRAC recommendations? How did the Commission person treat such information (i.e. was log entry or a memo for record completed)?

6. What internal analysis was developed and used that contributed to the Commission's deliberations regarding Marine Corps Recruit Depot, San Diego, CA; Grand Forks AFB, ND; Navy Broadway Complex, San Diego, CA; Pearl Harbor, HI and NAS Oceana, VA?

7. Did any Commissioner or Commission staff receive information from any DoD official regarding Marine Corps Recruit Depot, San Diego, CA; Grand Forks AFB, ND; Navy Broadway Complex, San Diego, CA; Pearl Harbor, HI and NAS Oceana, VA that has not been made part of the public record?

TYPES OF DATA/INFO/ANALYSIS REQUIRED FOR REVIEW — SOURCES

The following only pertains to any contact with DOD officials after May 2, 2005 that have not been made a part of the public record:

Telephone logs, with descriptions of the contents of those discussions

Appointment books

E-mails

Written documents

Analytical documents impacting the deliberations of July 19th.